

REMARKS

Initially, applicants would like to express their appreciation to Examiner Fikremariam A. Yalew for the courtesies extended to attorney James Milton during a telephone conversation on January 15, 2008. The telephone conversation involved a discussion of the rejection of claim 22 under 35 U.S.C. § 101 and the rejection of claims 1-6, 8-18 and 20-23 under 35 U.S.C. § 103. Examiner Yalew agreed that the rejection under 35 U.S.C. § 101 was an error because the issue had been resolved in a prior amendment dated October 10, 2007. Also, Examiner Yalew agreed that the description of the rejected claims under 35 U.S.C. § 103 should refer to 35 U.S.C. § 103 (a) rather than 35 U.S.C. § 102 (e) as shown in the Office Action.

Claims 1-25 are pending in the application. Claim 22 was rejected under 35 U.S.C. § 101. Claims 1-23 were rejected under 35 U.S.C. § 103 (a).

Rejection Under 35 U.S.C. § 101

Claim 22 was rejected under 35 U.S.C. § 101 because the Office Action states that the invention is directed to non-statutory subjected matter.

Applicants respectfully traverse this ground of rejection. This is because applicants amended the specification in a prior amendment dated October 10, 2007 to delete page 19, lines 3-6. Also, instances of the term "computer-readable signal bearing medium" were changed to the term "computer-readable medium" and instances of the term "computer-readable signal bearing media" were changed to the term "computer-readable media". Thus, claim 22 is statutory subject matter.

Rejection Under 35 U.S.C. § 103 (a)

Claims 1-6, 8-18 and 20-23 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U. S. Patent Application Number 2004/0059914 issued to Karaoguz dated March 25, 2004 in view of U. S. Patent Application Number 2002/0141594 A1 issued to MacKenzie dated October 3, 2002.

Claims 7 and 19 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Karaoguz in view of MacKenzie, and further in view of U. S. Patent Application Number 2007/0088950 issued to Wheeler dated April 19, 2007.

Rejection Under Karaoguz and MacKenzie

Claims 1-6, 8-18 and 20-23 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Karaoguz in view of MacKenzie.

Applicants have avoided this ground of rejection for the following reasons.

Applicants' claim 1, as amended, now recites,

"an authentication device that authenticates a computing device, in communication with the authentication device, through employment of a determination that a current location of the authentication device matches an initial location of the authentication device;

wherein one or more private keys employable for encryption and/or decryption of information are erased via a cutoff of power upon an attempt to move the authentication device;"

As stated in the Office Action, Karaoguz does not teach or suggest "wherein one or more private keys employable for encryption and/or decryption of information are erased upon an attempt to move the authentication device", as recited in applicants' claim 1. Moreover, applicants note that MacKenzie does not teach or suggest "wherein one or more private keys employable for encryption and/or decryption of information are erased via a cutoff of power upon an attempt to move the authentication device". Instead, MacKenzie discloses a technique to disable the use of a device's private keys if the device is stolen, as stated in paragraph 0037. Furthermore, MacKenzie discloses in paragraph 0038,

"In the key disabling type of protocol of the invention, the user can issue a request to the server to disable future use of the private key associated with the device's public key. Once the server receives this request and verifies it is well-formed, the device's key is rendered useless to the attacker, even if the attacker knows the user's password. The attacker will thus be unable to employ the key in future interactive protocols or to decrypt future encrypted messages. This feature is especially useful if revocation of the device's public key via a public key infrastructure (e.g., a certificate revocation list) has an associated delay (if it exists

at all). In contrast, using the protocols of the invention advantageously permits the private key to be disabled immediately."

As known by those skilled in the art, "to disable" means "to make unfit, ineffective, cripple, or incapacitate". However, MacKenzie does not disclose that the private keys are removed from the device.

By contrast, "to erase", as used in applicants' claim 1, means "to remove any sign of something". Since MacKenzie private keys are not removed via a cutoff of power upon an attempt to move the authentication device, then the private keys are not erased via a cutoff of power upon an attempt to move the authentication device. Thus, MacKenzie is missing the "wherein one or more private keys employable for encryption and/or decryption of information are erased via a cutoff of power upon an attempt to move the authentication device" elements, as recited in applicants' claim 1.

Thus, the clear teaching of Karaoguz and MacKenzie is that one or more private keys employable for encryption and/or decryption of information are not erased via a cutoff of power upon an attempt to move the authentication device.

Therefore the proposed combination of Karaoguz and MacKenzie does not teach or suggest all of the limitations in applicants' claim 1, and therefore claim 1 is allowable over the proposed combination. Since claims 2-13 and 23 depend from allowable claim 1, these claims are also allowable over the proposed combination.

Independent claims 14 and 22 each have a limitation similar to that of independent claim 1, which was shown is not taught by the proposed combination of Karaoguz and MacKenzie. For example, claims 14 and 22 recite, "wherein one or more private keys employable for encryption and/or decryption of information are erased via a cutoff of power upon an attempt to move the authentication device". The proposed combination of Karaoguz and MacKenzie does not teach or suggest this limitation for the above-mentioned reasons. Therefore, claims 14 and 22 are likewise allowable over the proposed combination. Since claims 15-21 depend from claim 14, these dependent claims are also allowable over the proposed combination.

Rejection Under Karaoguz, MacKenzie and Wheeler

Claims 7 and 19 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Karaoguz in view of MacKenzie, and further in view of Wheeler.

Applicants respectfully traverse this ground of rejection for the following reasons.

This rejection is based on the rejection under Karaoguz and MacKenzie being proper. As that ground of rejection has been overcome, and none of the cited references teach or suggest "wherein one or more private keys employable for encryption and/or decryption of information are erased via a cutoff of power upon an attempt to move the authentication device" as recited in applicants' independent claims 1, 14 and 22, the proposed combination of Karaoguz, MacKenzie, and Wheeler does not supply this missing element. Thus, this combination does not make obvious any of applicants' claims, all of which require the aforesaid limitation.

New Claims

New claims 24-25 have been added. Claims 24-25 provide additional limitations directed to the one or more private keys. No new matter has been added.

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Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



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